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27366 7590 07/17/2009 WESTMAN CHAMPLIN (MICROSOFT CORPORATION) SUITE 1400 900 SECOND AVENUE SOUTH MINNEAPOLIS, MN 55402				
EXAMINER				
STRODER, CARRIE A				
ART UNIT		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/696,972

**Applicant(s)**

SORENSEN, CARSTEN

**Examiner**

CARRIE A. STRODER

**Art Unit**

3689

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 April 2009.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-35 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-35 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This is in response to the applicant's communication filed on 23 April 2009, wherein:

Claims 1-35 are currently pending; and

Claims 1, 2, 7, 11, 19, 24, and 29 are currently amended.

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. **Claims 2 and 25 are rejected** under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 2 and 25 state, "selecting an index entry from the subset of entries," which is unclear. Examiner is unsure who or what is selecting "an index entry".

3. **Claims 11-18 are rejected** under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claims 11-18 state it is a "computer implemented method of soliciting a response" in the preamble; however, the response is not claimed in the body of the claims.

4. **Claim 24 is rejected** under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 24 states, "...remote from data store...", which is confusing. Examiner is unsure whether the data store referred to in this phrase is the same data store referenced earlier in the claim or a different data store.

***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. **Claims 24-35 are rejected** under 35 U.S.C. 101 because they are directed to software, per se. The claims are functional descriptive material as they are directed to a system defined merely by software or terms synonymous with software, particularly "engine."

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***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-3, 6, 8-9, 19-20, 23-26, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hajmiragha (US 6289460).**

**Referring to claim 1:**

Hajmiragha teaches

accessing an index stored in a first data store on a computer storage media having one entry for each of a plurality of RFQs, each entry including identification information related to one of the RFQs with which it is associated, each of the RFQs being generated by one of a plurality of requests and stored at one of a plurality of data stores remotely located from the first data store (col. 2, line 50 thru col. 3, line 28 & col. 10, lines 16-19; where "the document manager allows search against the content of a document as well as the document attributes" implies each entry includes identification information

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related to one of the RFQ's and where "document" is interpreted to include RFQ's);

identifying an RFQ for reply, by selecting an entry in the index, wherein identifying an RFQ for reply includes identifying, from information in the selected index entry, a second data store in which the identified RFQ is stored from one of the plurality remotely located data stores (col. 10, lines 16-19 & col. 7, lines 11-21; where it is implied that the location of the document is identified);

retrieving the identified RFQ from the second data store (col. 5, lines 1-14; "users allow other interested parties access to read-only archived documents while maintaining security and control"); and

generating a reply to the retrieved RFQ (col. 6, lines 37-59; where "approval" and "collaboration" are interpreted as a reply).

**Referring to claims 2 and 25:**

Hajmiragha teaches

filtering entries in the index of RFQ's based on supplier filter criteria to create a subset of entries that meet the supplier filter criteria (col. 10, lines 16-22); and

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selecting an index entry from the subset of entries (col. 10, lines 16-22; where it is implied that an entry is selected from the subset).

**Referring to claims 3 and 26:**

Hajmiragha teaches  
applying detailed supplier filter criteria to the retrieved RFQ based on a content of the retrieved RFQ (col. 10, lines 16-22).

**Referring to claims 6 and 28:**

Hajmiragha teaches  
generating the reply comprises accessing the content of the retrieved RFQ (col. 6, lines 37-59; where "review" implies that the content of the RFQ is accessed);  
and generating the reply based on the content of the RFQ (col. 6, lines 37-59; where "approval" and "collaboration" imply that the reply is based upon the contents of the document).

**Referring to claim 8:**

Hajmiragha teaches  
accessing the index over a global computer network (col. 2, lines 51-55; where "internet" is interpreted as a global computer network).

**Referring to claim 9:**

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Hajmiragha teaches  
retrieving the identified RFQ from the data store at  
the requester over a global computer network (col. 5, lines  
1-14).

**Referring to claim 19:**

Hajmiragha teaches  
receiving indexing information for each RFQ from the  
requester without prompting of the requester, the indexing  
information being indicative of the RFQ stored at requester  
data store local to the computer system at the requester  
(col. 7, lines 10-21; where "document" is interpreted as  
including an RFQ); and

entering an entry in a data store on a computer  
storage media remote from the requester computer system for  
each RFQ in an index based on the index information, the  
entry being indicative of a category of a corresponding RFQ  
on the requester data store, the index being exposed to  
access by suppliers (col. 7, lines 10-21 and col. 6, lines  
9-19; where "content indexing" is interpreted to include an  
entry indicative of a category of a corresponding RFQ).

**Referring to claim 20:**

Hajmiragha teaches



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for each entry in the index, including filter criteria accessible by the suppliers to identify RFQs for reply (col. 10, lines 16-22).

Further, "to identify RFQs for reply" is a statement of intended use. Statements of intended use do not limit the scope of a claim or claim limitation. See MPEP 2106.

**Referring to claim 23:**

Hajmiragha teaches

the indexing information be received from a remote requester over a network (col. 7, lines 11-21).

**Referring to claim 24:**

Hajmiragha teaches

an RFQ reply engine configured to access an index of RFQs stored on a data store, the index including entries provided by a computer system at a requester remote from data store without prompting (col. 2, line 50 thru col. 3, line 28 & col. 10, lines 16-19; where "the document manager allows search against the content of a document as well as the document attributes" implies each entry includes identification information related to one of the RFQ's and where "document" is interpreted to include RFQ's), identify an RFQ for reply (col. 10, lines 16-19 & col. 7, lines 11-21; where it is implied that the location of the document

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is identified), retrieve the identified RFQ from the computer system at the requester (col. 5, lines 1-14; "users allow other interested parties access to read-only archived documents while maintaining security and control"), and generate a reply to the retrieved RFQ (col. 6, lines 37-59; where "approval" and "collaboration" are interpreted as a reply).

**3. Claims 4-5, 10-15, 21-22, 27, and 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hajmiragha (US 6289460) in view of Han et al. (US 20020052807).**

**Referring to claim 4 and 27:**

Hajmiragha does not teach; however, Han teaches generating a reply to the retrieved RFQ only if it meets the detailed supplier filter criteria (paragraph 102).

It would have been obvious for a person of ordinary skill in the art (PHOSITA) at the time of invention to modify the teachings of Hajmiragha as taught by Han because this would provide a way to determine if a reply should be generated.

**Referring to claim 5:**

Hajmiragha does not teach; however, Han teaches

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transmitting the reply to the requester that generated the retrieved RFQ (paragraph 102).

It would have been obvious for a person of ordinary skill in the art (PHOSITA) at the time of invention to modify the teachings of Hajmiragha as taught by Han because this would provide a way to inform the requester of the reply.

**Referring to claim 10:**

Hajmiragha does not teach; however, Han teaches prior to accessing the index, providing supplier registration information to a registration component; and (paragraphs 98-99; where it is implied that a "community participant" registers to become a community participant).

downloading a reply engine, the reply engine accessing the index (paragraphs 98-99; where it is inherent in using the "RFQ find web page" that the information be downloaded).

It would have been obvious for a person of ordinary skill in the art (PHOSITA) at the time of invention to modify the teachings of Hajmiragha as taught by Han because this would provide a way to receive necessary information regarding a supplier and allow a supplier to provide replies to the RFQs.

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**Referring to claim 11:**

Hajmiragha teaches

saving the RFQ template at a predetermined location in a data store local to a computer system at the requester, such that the RFQ template is exposed for downloading to a supplier for generation of a reply (col. 7, lines 10-21; where "document" is interpreted as including an RFQ template).

sending indexing information for computer implemented indexing of the RFQ template to an index remote from the computer system of the requester when the RFQ template is saved without prompting from the remote index (col. 7, lines 10-21).

Han teaches

entering the job information into a predetermined RFQ template (paragraph 93; where "using the RFQ create/edit web page" is interpreted as an RFQ template).

It would have been obvious for a person of ordinary skill in the art (PHOSITA) at the time of invention to modify the teachings of Hajmiragha as taught by Han because this would provide a way to receive necessary information regarding an RFQ.

**Referring to claim 12:**

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Hajmiragha does not teach; however, Han teaches prior to entering the job information, providing supplier registration information to a registration component (paragraphs 98-99; where it is implied that a "community participant" registers to become a community participant).

downloading an RFQ generation engine, the RFQ generation engine sending the indexing information (paragraphs 93-94 and 106; where it is inherent in using the "RFQ create/edit web page" that the information be downloaded).

**Referring to claims 13 and 30:**

Hajmiragha does not teach; however, Han teaches entering requester filter criteria indicative of suppliers authorized to reply to the RFQ template (paragraph 94; "participant defines which suppliers are to receive the new RFQ packet").

**Referring to claims 14 and 31:**

Hajmiragha does not teach; however, Han teaches sending requester filter criteria indicative of suppliers authorized to reply to the RFQ template (paragraph 94; "participant defines which suppliers are to receive the new RFQ packet").

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**Referring to claims 15 and 32:**

Hajmiragha does not teach; however, Han teaches receiving a reply to the RFQ template from a supplier (paragraph 96).

**Referring to claim 21:**

Hajmiragha does not teach; however, Han teaches wherein receiving the indexing information includes receiving an identifier of a specific supplier (paragraphs 94 and 104-106).

It would have been obvious for a person of ordinary skill in the art (PHOSITA) at the time of invention to modify the teachings of Hajmiragha as taught by Han because this would provide a way to receive necessary information regarding a supplier.

**Referring to claim 22:**

Hajmiragha does not teach; however, Han teaches the specific supplier be notified when the RFQ identifying the supplier is indexed (paragraph 94).

It would have been obvious for a person of ordinary skill in the art (PHOSITA) at the time of invention to modify the teachings of Hajmiragha as taught by Han because this would provide a way to generate a response from a supplier once the RFQ is indexed; otherwise the supplier

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may be unaware that an RFQ he may wish to respond to has been indexed.

**Referring to claim 29:**

Hajmiragha teaches

save the RFQ template at a predetermined location in a data store on a computer storage medium local to a computer system at the requester, such that the RFQ template is exposed for downloading to a supplier for generation of a reply (col. 7, lines 10-21; where "document" is interpreted as including an RFQ template), and sending indexing information for computer implemented indexing of the RFQ template at an index on a remote computer system without prompting from the remote computer system (col. 7, lines 10-21).

Han teaches

An RFQ generation engine configured to receive job information into a predetermined RFQ template (paragraph 93; where "using the RFQ create/edit web page" is interpreted as an RFQ template).

It would have been obvious for a person of ordinary skill in the art (PHOSITA) at the time of invention to modify the teachings of Hajmiragha as taught by Han because

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this would provide a way to receive necessary information regarding an RFQ.

**4. Claims 7, 16-18, and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hajmiragha (US 6289460) in view of Han et al. (US 20020052807), and futher in view of Heimermann et al. (US 7110976).**

**Referring to claim 7:**

Hajmiragha and Han do not teach; however Heimermann teaches

automatically generating the reply based on the content of the RFQ (paragraphs 181-182).

It would have been obvious for a person of ordinary skill in the art (PHOSITA) at the time of invention to modify the teachings of Hajmiragha and Han as taught by Heimermann because this provides a more cost effective supplier sourcing system.

**Referring to claims 16 and 33:**

Hajmiragha and Han do not teach; however Heimermann teaches

entering award criteria indicative of criteria considered in awarding a job corresponding to the RFQ to a supplier (paragraph 183).



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It would have been obvious for a person of ordinary skill in the art (PHOSITA) at the time of invention to modify the teachings of Hajmiragha and Han as taught by Heimermann because this provides a more cost effective supplier sourcing system.

**Referring to claims 17 and 34:**

Hajmiragha and Han do not teach; however Heimermann teaches

evaluating the received reply based on the award criteria (paragraph 183); and

suggesting a winning supplier based on the evaluation of the award criteria (paragraph 183).

It would have been obvious for a person of ordinary skill in the art (PHOSITA) at the time of invention to modify the teachings of Hajmiragha and Han as taught by Heimermann because this provides a more cost effective supplier sourcing system.

**Referring to claims 18 and 35:**

Hajmiragha and Han do not teach; however Heimermann teaches

weighting the award criteria according to a predetermined weight (paragraph 183; the system primarily makes awards based on price, but also "factors in" other

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considerations, which necessarily requires assigning a predetermined weight to the considerations).

It would have been obvious for a person of ordinary skill in the art (PHOSITA) at the time of invention to modify the teachings of Hajmiragha and Han as taught by Heimermann because this provides a more cost effective supplier sourcing system.

### ***Response to Arguments***

1. Applicant's arguments filed 23 April 2009 with regards to the claim rejections of claims 11-18 under 35 USC 112 have been fully considered but they are not persuasive. Examiner still finds it confusing that applicant's claims are directed to a method for soliciting a response, yet recites no answering response, nor even the possibility of one. The preamble does not seem connected to the limitations of the claim. Therefore, Examiner maintains the rejection.

2. Applicant's arguments filed 23 April 2009 with regards to the claim rejections of claims 24-35 under 35 USC 101 have been fully considered but they are not persuasive. Applicant argues that the claims are not directed to software per se as a computer storage medium is recited in the claims. However, the "data store" recited in the

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claims modifies an "index of RFQs"; it is the index which is stored on the data store. However, Examiner has pointed out to applicant that the "RFQ reply engine" is the language which is associated with software per se.

Further, the reply engine is not limited to being stored on a computer storage medium, either in the claims, or in the specification. Nor is there any other structure recited in the specification to limit the "reply engine" to patentable subject matter, such as an apparatus or a machine.

Therefore, Examiner maintains the rejection.

3. Applicant's arguments with respect to the claim rejections under 35 USC 103 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the

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advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CARRIE A. STRODER whose telephone number is (571)270-7119. The examiner can normally be reached on Monday - Thursday 8:00 a.m. - 5:00 p.m. ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jan Mooneyham can be reached on (571)272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CARRIE A. STRODER/  
Examiner, Art Unit 3689

/Janice A. Mooneyham/  
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